

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-325-2008
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: January 29, 2008
DATE OF REPORT: February 28, 2008
REQUEST FOR RECONSIDERATION: N/A
DATE OF CLOSURE: April 18, 2008

COMPLAINT ISSUES:

Whether the South Madison Community School Corporation and the Hancock-South Madison Joint Services violated:

511 IAC 7-26-6(a)(2)(5) and (7) by failing to include measurable reading goals, including short-term objectives; a statement describing the length, frequency, location, and duration of services; and a statement of how the parents will be informed of the student's progress in the student's individualized education program (IEP) developed for the 2007-2008 school year.

FINDINGS OF FACT:

1. The Student, eight years old, is identified as other health impaired, and has been determined eligible for special education and related services.
2. Page 23 of the IEP dated September 25, 2007, indicates a measurable annual goal that states: "[The Student] will show progress by increasing NWEA (Northwest Evaluation Association Achievement Test) reading score by 6 points."
3. Page 23 of the IEP dated September 25, 2007, indicates seven objectives/benchmarks under the aforementioned annual goal, and that the Student must achieve 80% accuracy on each one.
4. Page 23 of the IEP dated September 25, 2007, indicates that the Student will receive reading instruction 60 minutes daily. The case conference notes indicate that the Student is going to participate in the School's corrective reading program. Page 29 of the IEP indicates that the program will be provided at school beginning September 26, 2007, until May 31, 2008.
5. Page 23 of the IEP dated September 25, 2007, indicates that each of the objectives/benchmarks will be evaluated by teacher observation; written performance; oral performance; report card; and by the utilization of a pre-test and a post-test. It further indicates that progress on the objectives and benchmarks will be reported to the parents every six weeks based on whether the Student (1) exceeds expectations; (2) achieved or met criteria; (3) is making progress; (4) is beginning skills; (5) making minimal progress; or (6) some other assessment of the objective.
6. The Complainant suspects that the Student has a reading disability. An independent educational evaluation (IEE) paid for by the School was conducted on July 13, 2007, and the evaluation report is dated July 18, 2007. On September 25, 2007, the case conference committee considered the results of the IEE with the physician who conducted the IEE

participating via telephone conference. The case conference notes indicate that the case conference committee agreed, in accordance with the physician's opinion that the Student should participate in the School's reading intervention program for at least one year at least one time per week. The notes indicate that the case conference committee agreed to daily reading intervention. The notes also indicate that the Student may have more of a language problem than a reading problem. However, there are unresolved issues with respect to the diagnosis of a reading disability and appropriate reading goals and objectives.

CONCLUSION:

Findings of Fact #2 through #5 address whether the Student's IEP contains a measurable annual goal and objectives for reading, and whether the IEP includes a statement describing the length, frequency, location, and duration of services, and whether there is a statement informing the parents of the Student's progress. Finding of Fact #2 indicates that the Student's IEP does have a measurable annual goal addressing reading. Finding of Fact #3 shows that the IEP also contains short-term objectives addressing reading skills. Finding of Fact #4 indicates that the IEP states that the Student will participate in the school's reading intervention program for 60 minutes a day beginning September 26, 2007, until May 31, 2008. Finding of Fact #5 shows that the IEP addresses how and when the parents will be informed of the Student's progress toward the reading goal. Therefore, a violation of 511 IAC 7-27-6(a)(2)(5) and (7) is not found. Finding of Fact #6 indicates that there are unresolved issues between the Complainant and the School with respect to whether the Student has a reading disability and whether the IEP is appropriate. Disputes involving these issues need to be resolved through mediation (511 IAC 7-30- 1) or a due process hearing (511 IAC 7-30-3).

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.